

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10916-RWZ

MEGAN McGRAW

v.

FIELDS CORNER PLATE GLASS, INC.,
and RUSSELL TARDANICO

PRETRIAL ORDER

May 16, 2006

ZOBEL, D.J.

This matter having come before the Court at a pretrial conference held pursuant to Rule 16, Fed. R. Civ. P., 28 U.S.C., and Sol J. Cohen, having appeared as counsel for plaintiff Megan McGraw; and Suzanne B. Matthews and Elizabeth Canty, having appeared as counsel for defendants Fields Corner Plate Glass, Inc. and Russell Tardanico, respectively, the following action was taken:

1. TRIAL

Trial is scheduled to commence on July 10, 2006, at 9 a.m. and is estimated to last three to four days.

2. JURY

The parties agreed to impanel eight jurors. Each side shall have four peremptory challenges. Counsel shall file proposed questions to the jury on voir dire by July 5, 2006.

3. ISSUES

The parties agree that the only issues to be tried are:

- a. whether defendant Russell Tardanico sexually harassed plaintiff with sexual comments and unwanted touching;
- b. the amount of damages;
- c. whether defendant Fields Corner Plate Glass, Inc. is liable for Tardanico's conduct.

4. WITNESSES

On or before July 5, 2006, each party shall file a list of witnesses who will testify at trial. If any party wishes to offer the testimony of any witness by deposition, counsel shall designate the portion or portions of such deposition on or before July 5, 2006. All counter designations and objections to the original designations shall be filed on or before July 7, 2006. All objections to the counter designations shall be filed on or before July 10, 2006.

5. EXHIBITS

The parties agree that the following exhibits may be admitted into evidence without objections:

- a. Plaintiff's personnel file
- b. Plaintiff's W-2 forms and federal tax returns for years 2003, 2004 and 2005
- c. Defendant's payroll records relative to the years 2003 and 2004
- d. Defendants' position statements filed with the Massachusetts Commission

Against Discrimination

- e. Defendants' financial statements and tax returns and filings from 2003 to present
- f. Photograph of Megan McGraw
- g. Photographs of Megan McGraw at Marina Bay
- h. Photographs of Megan McGraw and Russell Tardanico, December 2003

All exhibits to which opposing counsel do not object shall be deemed to be admitted into evidence. Counsel shall mark these exhibits, prepare a listing thereof, and file two copies. Objected-to exhibits shall be marked for identification and listed separately.

6. REQUESTS AND QUESTIONS

On the first day of trial, July 10, 2006, counsel shall file:

- a. Requests for instructions; and
- b. Proposed questions to the jury on special verdict.

DATE

/s/ Rya W. Zobel

RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE